

APPROVED: Meeting No. 22-97

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 05-97

January 27, 1997

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on January 27, 1997, at 7:40 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and Assistant City Attorney Sondra Block.

Re: City Manager's Report

1. Mr. Kuckkahn thanked the Mayor and Council for hosting this year's Martin Luther King, Jr. celebration. He said the event was a huge success, and everyone enjoyed Reverend Archie LeMone's keynote address and the entertainment provided by the Youth Choir and Instrumental Ensemble and choirs representing Rockville churches. Mr. Kuckkahn also expressed appreciation to Houston Associates, Inc., Tascom, Vitro, and Mellon Bank for co-sponsoring the event.

2. The Mayor and Council's initiative, "Imagine Rockville--Shaping The Future" continues with a Future Search Vision Conference scheduled for January 31 and

February 1. Participants of the Conference will include 70 residents representing all segments of the community, who were selected by the Steering Committee to develop a set of vision points that will help mold the future direction of the City. Brochures explaining the visioning process are available at City Hall, or call 309-3303 for more information.

3. The Department of Recreation and Parks is offering a wide variety of summer camps which begin on June 23 for pre-school children through teenagers. Resident mail-in camp registration begins on February 7 and in-person registration begins on February 18. In addition to the summer camps, neighborhood parks will run from June 30 - August 15, and will be staffed weekdays from 9:30 am - 3:30 pm. Children ages 5-12 may drop-in for a variety of sports, crafts, games and special activities.

4. RockNet, the City's community network, is up and running and can be accessed through the City's home page at www.Rockville.org.

5. The City has won another award. Rockville Reports is published by the City's News, Information, Graphics and Printing Division and it achieved 185 out of 200 possible points. Mr. Kuckkahn said that staff continues to strive, improve and build on past successes. He expressed appreciation to the Mayor and Council for their support of this important communication tool.

6. Cable 53 takes on a different look with a new Bulletin Board system going on-line. Staff is confident that the new look will be an attraction and it will more effectively communicate the variety of messages conveyed through that system. The City

Meeting No. 05-97

3

January 27, 1997

is seeking a volunteer with computer graphics and writing skills to help compose new messages and keep the Bulletin Board system current. Persons interested in volunteering should contact Doug Breisch at 301-309-3329. With the success and increasing capabilities of the City web site, a decision was made to discontinue the old electronic bulletin board system. Persons who do not have web access can use the Public Library's Sailor System.

7. The City is continuing its efforts to drive out the large roost of crows. At the Mayor and Council's request, a massive campaign was developed by City staff with the cooperation of businesses and residents in the neighborhoods which were affected by the problem. No one can be sure where the crows will next set up to roost, however, staff will continue to monitor the situation and provide assistance to neighborhoods experiencing problems. Residents should call 301-309-3303 to report any problems.

Re: Special presentation to members
of the Human Needs and
Services Advisory Task Force.

Mayor Krasnow explained that the Human Needs and Services Advisory Task Force was appointed in 1994 to examine the City's human services delivery system, identify needs and resources, and recommend a realistic approach to addressing unmet needs. The Task Force consisted of 18 members from a variety of backgrounds--civic groups, businesses, government, non-profit agencies, and the faith community. In March 1996, the task force presented their final report to the Mayor and Council. A

subcommittee was subsequently established to research the two major recommendations of the task force. Mayor Krasnow noted that the result of the subcommittee's work is before the Mayor and Council later in the agenda. She said that members of the task force have worked long and hard for almost three years. She then presented a special "Key To the City" lapel pin to recognize the task force members' efforts and express appreciation for their commitment and contributions to both Rockville's government and the community.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Bob DeGroot, Woodley Gardens Citizens Association said that the Association looked at the Watts Branch Sewer Alternatives Update which included four new alternatives not included in the original study. He said that the alternatives were more reasonable than those in the original study; however, the Association thought that the numbers were still inflated. He said that the only two alternatives which he, personally, could support were those which proposed that the sewer line go across the Thomas Farm and down Wootton Parkway.

2. Shankir Krishman, Board of Directors, Fallsmead Homeowners Association said that the Association commended the City for looking more closely at the pump around options in contrast to the focus on the Watts Branch Stream Valley option, which the Board opposed. He said the Board urged the Mayor and Council to pursue the Gude and Thomas Farm options. The Board asked to hear more about environmental and other

Meeting No. 05-97

5

January 27, 1997

impacts of the work involved with Option B--the relining the existing sewer in the lower Watts Branch Stream Valley.

3. Scott Hodes, Rockshire Homeowners Association stated that the Association's support of the Gude/Thomas options.

4. Diana Olechna, College Gardens said that the residents of College Gardens opposed any construction or development within the Watts Branch Stream Valley aimed at increasing the existing sewer capacity to accommodate development of the King Farm. She said they urged the City to examine more realistic alternatives and to reject the financial and environmental recommendations prepared by outside consultants. Ms. Olechna said that she was pleased the City decided to reexamine the issue. She urged support for the Gude/Thomas options and asked that the City carefully review the costs associated with the pump around system.

5. Joseph Lynott, III, Attorney for Citibank, N.A. - Regarding Agenda Item #10 (Request for Modification at 822 Rockville Pike), Mr. Lynott informed the Mayor and Council that the Applicant would be available to answer any questions on the issue.

6. Anita Summerour, President, Lincoln Park Civic Association expressed the Association's pleasure that the Mayor and Council were seriously considering other options for the King Farm sewer development. She said that the Association urged the support of the Gude/Thomas, A and B options, with all costs to be paid by the King Farm developer.

7. Jim Vitol said that he supported Diane Olechna's comments on the King Farm sewer outfall. He said that the Thomas/Gude options were by far the most preferable.

8. Jim Reschovsky spoke about the City's consideration of a request from First Union and Eastern Diversified Properties to annex a five acre plot at Route 355 and Indianola. Mr. Reschovsky said that plans for the plot of land were to develop an automobile dealership and that most of the land would be covered by pavement or structures, thereby increasing the amount of storm water runoff flowing into the Watts Branch Creek. He urged the Mayor and Council to stipulate in the Annexation Agreement that all storm water management be handled on site.

Re: Appointments

Upon motion of Councilmember Wright, duly seconded and unanimously passed, Pradeep Ganguly was appointed to the Cultural Arts Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, David Melnick and Paul Douglas were appointed to serve as temporary members on the Board of Appeals. The temporary appointments were needed as a result of three board members' recusal from hearing a variance application matter scheduled for hearing on February 1, 1997.

Re: Approval of Minutes

Upon motion of Councilmember Dorsey, duly seconded and unanimously

Meeting No. 05-97

7

January 27, 1997

passed, the Minutes of Meeting No. 39-96 (October 28, 1996-Tabled from 1/3/97) were approved as amended.

Re: Consent Agenda

Councilmember Marrinan requested removal of Item A. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the following Consent Agenda Item was approved.

- (B) Approval of a contract to provide civil engineering consultant services, cooperatively procured via Montgomery County Contract #16549.

To: A/E Group, Inc.
Of: Owings Mills, MD
In the amount of: \$150,000

For: Various projects, including review of King Farm engineering plans.

Re: (A) Authorization to modify Purchase Order No. 16199 for the replacement of sludge filter press plates and related appurtenances at the water treatment plant.

To: JWI, Inc.
Of: Holland, Michigan
Total amount not to exceed \$150,000

Councilmember Marrinan commented that an expenditure was made in 1996 to replace broken plates on the City's water treatment plant sludge filter press. He asked

what the sequence of events was that led to this expenditure modification. Public Works Director Hal Cranor explained that the press was repaired and placed back into service. However, the sludge which filtered through the plates had to be composed of a set mixture. The moisture content was not correct, and differential pressure across the plate resulted and caused weak points along the plate to crack. To prevent this from happening in the future, Mr. Cranor said that City staff were looking at pressure switches, the computer system, and the training that employees actually received to run the filter press. Staff was also able to negotiate a better price and an extended warrantee period for the plates. In addition, they have gotten the manufacturer to extend the warranty period for any future equipment installed. Following questions by the Mayor and Council, Councilmember Marrinan moved approval of the Item. The motion was duly seconded and unanimously passed, and Purchase Order No. 16199 was modified for the replacement of sludge filter press plates and related appurtenances at the water treatment plant.

Re: Formal approval of a human services policy and recommendations for a Human Services Policy Commission.

Councilmember Harrison expressed what he said was a generalized concern about the City's boards and commissions. He said that commissions tended to formally meet in Worksession with the Mayor and Council only about once a year. Mr. Harrison said that in setting up the new Human Services Commission, now might be a good time to remind everyone that commissions are established to provide guidance and he said that the Mayor and Council needed to more actively solicit guidance from them.

Regarding the Human Services Policy, Mr. Harrison pointed out three of the policy's underlying assumptions which were at odds with each other: (1) that there will be fewer services available through state and federal agencies; (2) that there will be an increased need for services; and (3) that Rockville citizens support the provision of human services, but may be reluctant to support new taxes. He said that the question was how would the commission effectively do the job and he questioned whether the task they were being asked to perform was impossible, given the circumstances. Mr. Harrison said the commission would have to be extremely creative and work closely with the Mayor and Council in offering the type of guidance that will be necessary to figure out new strategies and fashion a policy that meets the goals of the human services policy.

Councilmember Wright inquired about the proposed structure of the commission as it related to the chairperson's role. Mayor Krasnow said that the policy states that two members shall be current or former consumers of human services, and she wondered if this would be a difficult goal. She also said that the structure description did not indicate that any of the commission be residents of Rockville, and she suggested that language be included to state this requirement. Councilmember Dorsey pointed out that many of the boards and commissions required an appointment by the Mayor with approval of the Council, and he noted that there was no such requirement documented in the draft policy. Staff was instructed to add this as well.

Responding to Councilmember Harrison's point, Councilmember Marrinan said that the City had many creative people who have a lot of ability. Since the City was breaking new ground in the social services area, Mr. Marrinan said that he felt

comfortable asking commission members to address the human services issue, even though he agreed that the commission faced some challenges. Mr. Marrinan also said that he assumed all members of the commission would be residents of Rockville.

Regarding the Purpose and Responsibility charge, Councilmember Dorsey pointed out Item #3, which was to explore ways to develop new or enhanced services in areas identified as serious problems and/or needs among City residents. Mr. Dorsey asked who would identify the problems and needs. Similarly, in Item #4, Mr. Dorsey questioned the statement that safety net services (e.g., food, emergency shelter, clothing, etc.) were always made available. He asked whether these services would always be able to be available. Mayor Krasnow suggested that the word "always" be stricken from the policy.

Regarding Mr. Harrison's comments about the role of commissions in general, Mayor Krasnow said it was important to note that the City currently funded many agencies, and she felt that the commission could accomplish a great deal by helping the Mayor and Council look at how funding decisions were made. She said that the commission could also keep the Mayor and Council abreast of the changes taking place in the human needs environment and cutbacks at the federal level. As far as the various City commissions advisory role, Ms. Krasnow said that it was difficult for the commissions to meet with the Mayor and Council on a regular basis because of the lack of available meeting nights. The Mayor reminded all board and commission members that they had an open door to members of the Mayor and Council and they should feel free to talk to any individual or the entire elected body.

Councilmember Dorsey commented that he liked the list of goals and guiding principles, especially the principle of "volunteerism." (*Volunteerism - Additional ways should be developed to foster opportunities for active community involvement and service in meeting human needs in our community*). Mr. Dorsey said the principle sounded like a City-wide "things to do" list. He said that he hoped that as the process evolved, there would be a mechanism enabling citizens to get involved in community service.

Assistant City Attorney Sondra Block informed the Mayor and Council that they could formally adopt the Human Services Policy at this time; however the commission would have to be established by resolution which could be brought back at a future date. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the human services policy and the recommendations for a Human Services Commission were approved with the amendments discussed. Staff will prepare a resolution including the Mayor and Council's changes discussed above, to establish the commission. Mayor Krasnow asked that Mr. Wallace and the subcommittee give some thought to the following issues:

- Should members of the Caregivers Coalition be Rockville residents in order to serve on the commission;
- Should members of the Caregivers Coalition who are not Rockville residents be allowed to serve in the role of Chairperson of the commission;
- Would a conflict exist if members of the Coalition serving as members of the new commission were to make recommendations about how to award funding?

- Could members of the Coalition engage in discussions that affect a particular entity they represent, or, would they be required to recuse themselves from discussing and voting on such matters.

Re: Adoption of Resolution to authorize signatures for City bank accounts.

Resolution No. 01-97

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution authorizing signatures for City bank accounts was approved. A copy of the Resolution can be found in the Mayor and Council's Resolution Book No. 11.

Re: Approval of Request for Modification - 822 Rockville Pike, Citibank North America, Applicant.

To waive Section 25-710.21(1) of the Zoning Ordinance allowing a maximum of 25% of the gross leasable area of a building in the RPC Zone.

Community Development Director Neal Herst explained that in order to limit the amount of office space being developed in the Rockville Pike Corridor (RPC), a limitation for office uses of 25% of a building's gross leasable area was placed on all RPC zoned property. Mr. Herst said that a provision was added to the Zoning Ordinance that automatically exempted lots of less than 50,000 square feet from this requirement. It also granted the Mayor and Council the ability to modify the requirement where strict application would result in peculiar and unusual practical difficulties. The Applicant is requesting that they be allowed to occupy more than 25% of their building with office

space. Mr. Herst said that initially, they were looking to occupy 32% of the building; however, because of the nature of the building and its apparent limited desirability for retail use, the entire building (approximately 17-18,000 square feet) would potentially be available for use by the one bank user for office space. Mr. Herst pointed out that the Planning Commission reviewed the Applicant's request and unanimously recommended that the Mayor and Council allow the modification.

Councilmember Dorsey asked if the modification existed for the life of the building or would it revert back if the planned use was abandoned sometime in the future. Councilmember Harrison expressed a similar concern. Mr. Herst said that the modification would be for the building as it was configured in its current square footage. Once the modification was approved, the building, whether or not it was used as a bank, would be appropriate for more than 25% for use as office space and it would not be a detriment to the overall integrity of the RPC Plan. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the request for modification to waive Section 25-710.21(1) of the Zoning Ordinance, was approved.

Re: Discussion and Instructions to
Staff - Pike's Peek 10K Road
Race, sponsored by Montgomery
County Road Runners Club -
City sponsorship request.

Recreation and Parks Director Burt Hall summarized staff's report which addressed issues raised by the Mayor and Council at the January 13th General Session. At that meeting, the Mayor and Council indicated their support for issuing a permit to run the April 1997 Pike's Peek Road Race. Also discussed was the issue of whether the City

should become an "event partner" by providing a number of services to the Montgomery County Road Runners Club (MCRRC). Regarding the issue of the race title and the possibility of including Rockville in the name of the race, Mr. Hall said that the title of the race was up for sale at a cost of \$25,000. Mr. Hall said that staff believed that the race was worth supporting because the running community was a very strong and viable group of citizens. Mr. Hall also noted other positive points, e.g., road racing was an excellent fitness activity which is a goal of the City's recreation programs. The race also meets a goal of the overall special events program which is to put Rockville on the map and promote the City within the region. Mr. Hall said that the race budget exceeded \$60,000 and much of it was spent with local businesses. The Rockville Chamber of Commerce is supporting the event for the second year, and Montgomery County is on board as an event partner. Mr. Hall said that staff suggested that there were ways in which the City could provide sponsorship to Pike's Peek that did not involve covering the cost of police support. The City's financial involvement would be an expenditure of City funds up to a limit of \$1,500 as well as the loan of equipment necessary to conduct the event. Total City support including in-kind services plus out-of-pocket expenses should not exceed \$5,000 and the cost of police support would not be included in the package. The recommendation is that Mayor and Council instruct staff to meet with MCRRC to identify ways in which the City could provide a package of loan equipment and services that would defray enough event costs for MCRRC to feel comfortable in designating the City as an event partner.

The Mayor and Council agreed that the recommendation was a good one.

There was concern expressed that if the City was subject to the inconvenience of having runners race through City streets, we should be able to gain something from the business end. Upon motion by Councilmember Wright, duly seconded and unanimously passed, the Mayor and Council approved staff's recommendation to become a partner in the race and negotiate what was needed in order to meet the criteria for event partner status.

Mr. Lyman Jordan commented that one of the goals foremost in the minds of the race and MCRRC leadership was how they can make the event more of service to Rockville. He noted that the organization was working on an idea to hold a "Taste of Rockville" event in conjunction with the race.

Re: F.Y.I./Correspondence

1. Councilmember Wright said that he recently attended an awards ceremony honoring the son of a family friend. Christian Drumm was honored for earning the rank of Eagle Scout. Mr. Wright noted that the a congratulatory letter was sent by the Mayor and he extended congratulations to Christian and his parents. Mr. Wright encouraged other scouts in the City to let the Mayor and Council know of their participation in City projects and their various achievements.

2. Councilmember Harrison mentioned FYI Item #9, regarding Maryland Route 28 at Aberdeen Road signalization. He said that there was a good possibility that signalization will be available at this route. The State Highway Administration and the State Department of Transportation looked at various alternatives for neighborhood signalization and they were also looking at Aberdeen Road. Mr. Harrison said that the State was also initiating a comprehensive evaluation of the Maryland Route 28 and Nelson

Street intersection which will include possible reconfiguration for the ramps to and from I-270.

Re: New Business

1. Character Counts - Councilmember Dorsey said that he learned from the Gaithersburg Mayor and Council that their City had become a "Character Counts" city. Mr. Dorsey said that he would like to see Rockville also receive this designation, and he asked that staff get a report on how Gaithersburg was able to incorporate the program.

2. Sole Source Procurement - Councilmember Marrinan noted the earlier discussions regarding the purchase order modification with JWI, Inc. (City Clerk's Note: see page 16). He asked that staff: (1) review the City's procurement policies as they relate to the number of sole source contracts; (2) determine what principles were used when making a decision to award a sole source contract, and (3) to advise the Mayor and Council of any policies that should be adopted when they are about to award sole source contracts. Mr. Marrinan said that the City needed an overriding policy for making such awards and he asked that staff be very sensitive to the matter. Mr. Kuckkahn explained that staff shared the concern of the Mayor and Council. He said that the City had specific requirements in its procurement regulations and those requirements were strictly adhered to, and as City Manager, his responsibility was to ensure those requirements were met. Mr. Kuckkahn noted that there were circumstances where sole sourcing was needed and he assured the Mayor and Council and the public that staff did try to avoid sole sourcing at all costs. Mr. Marrinan also said that he would like to review the City's policies and get

some idea of the number of sole source awards that were made.

3. Tower Oaks Telephone Poles - Mayor Krasnow reminded Mr. Kuckkahn that the Mayor and Council would like a status report about the telephone poles which were to be removed from the abandoned portion of Monroe Street, near the New Villages at Tower Oaks. Mr. Kuckkahn said that staff had been in contact with the utility companies; however, they had not been cooperative in getting back to the City. Mr. Kuckkahn said that he will continue to follow up on the issue.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:24 p.m., to reconvene at 7:30 p.m., on January 28, 1997 in order to meet with the Planning Commission in Worksession on January 28, 1997.